

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JUDITH MAYSONET, et al.,	:	
	:	22 Civ. 1685 (LGS)
Plaintiffs,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
NEW YORK CITY DEPARTMENT OF	:	
EDUCATION,	:	
	:	
Defendant.	:	
-----X	:	

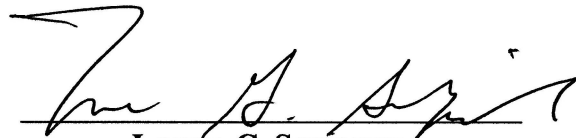
LORNA G. SCHOFIELD, District Judge:

WHEREAS, on June 24, 2022, Plaintiffs moved for summary judgment. On July 16, 2022, Defendant cross-moved for summary judgment. The parties' motions are pending.

WHEREAS, in their motion papers, the parties dispute the ability of a district court to order the direct funding of tuition payments for a child's private educational placement in the absence of a showing by the child's family that it is unable to afford such payments, or alternatively, the appropriateness of such a remedy in the circumstances presented in this case. It is hereby

**ORDERED** that no later than **March 3, 2023**, Plaintiffs may file a sworn affidavit regarding their legal obligation to pay tuition to the International Institute for the Brain and their ability to afford such payments. To the extent that any such affidavit contains confidential or personal information, Plaintiffs may move to file the affidavit wholly or partially under seal pursuant to Individual Rule I.B. The parties shall not submit supplemental briefing regarding this issue absent further order.

Dated: February 27, 2023  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**